

House File 143 - Introduced

HOUSE FILE _____
BY KAUFMANN and BAUDLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for restricted driver motor vehicle registration
2 plates to identify persons driving under a temporary
3 restricted driver's license following a second or subsequent
4 revocation for operating while intoxicated, and providing
5 penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1549YH 83
8 dea/nh/5

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1 1 Section 1. NEW SECTION. 321.34A RESTRICTED DRIVER
1 2 REGISTRATION PLATES.
1 3 1. Upon application to the county treasurer, the owner of
1 4 a motor vehicle subject to registration shall be issued
1 5 restricted driver registration plates at no charge in exchange
1 6 for the regular or special registration plates issued for the
1 7 vehicle under section 321.34. If the application is for a new
1 8 registration, the restricted driver registration plates shall
1 9 be issued in lieu of regular registration plates upon payment
1 10 of the regular annual registration fee for the vehicle.
1 11 2. Restricted driver registration plates, to be designed
1 12 by the department, shall be of a different color than regular
1 13 registration plates and bear a unique series of alphanumeric
1 14 characters so as to be readily identified by peace officers.
1 15 Application for or acceptance of restricted driver
1 16 registration plates constitutes implied consent for a peace
1 17 officer to stop the vehicle bearing the restricted driver
1 18 registration plates at any time. A peace officer who observes
1 19 the operation of a motor vehicle displaying restricted driver
1 20 registration plates may stop the vehicle for the purpose of
1 21 determining whether the driver is operating the vehicle
1 22 lawfully under a valid driver's license.
1 23 3. Restricted driver registration plates expire on the
1 24 same date as the registration plates they replace and shall be
1 25 validated by the county treasurer in the same manner as
1 26 regular registration plates are validated upon payment of the
1 27 annual registration fee for the vehicle.
1 28 4. Except as provided in section 321J.20, subsection 8,
1 29 upon application by the owner of a motor vehicle, the county
1 30 treasurer shall issue regular or special registration plates,
1 31 under the terms and conditions in section 321.34 and subject
1 32 to applicable fees, in exchange for restricted driver
1 33 registration plates.
1 34 5. It is a simple misdemeanor for a person to do any of
1 35 the following:
2 1 a. Knowingly disguise or obscure the color of restricted
2 2 driver registration plates.
2 3 b. Knowingly operate a motor vehicle displaying restricted
2 4 driver registration plates that have been disguised or
2 5 obscured.
2 6 Sec. 2. Section 321J.20, Code 2009, is amended by adding
2 7 the following new subsection:
2 8 NEW SUBSECTION. 8. a. Prior to issuing a temporary
2 9 restricted license under this section to a person whose
2 10 driver's license or nonresident operating privilege has been
2 11 revoked for a second or subsequent time under this chapter,
2 12 the department shall require the surrender of the registration
2 13 plates issued under section 321.34 for the following motor
2 14 vehicles, as identified by the department, which are not
2 15 already legally impounded:
2 16 (1) Any motor vehicle registered to the person whose
2 17 license is revoked, individually or jointly.

2 18 (2) Any motor vehicle for which the person whose license
2 19 is revoked is listed on the certificate of title as the owner
2 20 or co-owner.
2 21 (3) Any leased motor vehicle required to be registered
2 22 under section 321F.8, if the person whose license is revoked
2 23 is listed as the lessee or co-lessee.
2 24 b. The department shall issue restricted driver
2 25 registration plates as provided in section 321.34A in exchange
2 26 for the surrendered plates for each motor vehicle listed under
2 27 paragraph "a".
2 28 c. A registered owner of a motor vehicle issued restricted
2 29 driver registration plates under this subsection shall not
2 30 sell the motor vehicle during the time it is registered with
2 31 restricted driver registration plates unless the registered
2 32 owner applies to the department for consent to transfer title
2 33 to the motor vehicle. If the department is satisfied that the
2 34 proposed sale is in good faith and for valid consideration,
2 35 that the registered owner will be deprived of custody and
3 1 control of the motor vehicle, and that the sale is not for the
3 2 purpose of circumventing the provisions of this subsection,
3 3 the department may certify its consent to the county
3 4 treasurer. The county treasurer shall then transfer the title
3 5 to the new owner upon proper application and issue new
3 6 registration plates. If the title to the motor vehicle is
3 7 transferred by the cancellation of a conditional sales
3 8 contract, a sale upon execution, or by decree or order of a
3 9 court of competent jurisdiction after the registration plates
3 10 have been ordered surrendered under this subsection, the
3 11 department shall order the title surrendered to the new
3 12 registered owner. The county treasurer shall then transfer
3 13 the title to the new owner and issue new registration plates
3 14 pursuant to section 321.34. If a person holding a temporary
3 15 restricted license issued under this section following a
3 16 second or subsequent revocation under this chapter applies for
3 17 a new motor vehicle registration of a type listed under
3 18 paragraph "a", the county treasurer shall issue restricted
3 19 driver registration plates for the vehicle upon payment of the
3 20 annual registration fee for the vehicle.
3 21 d. When the period of revocation of the person's
3 22 noncommercial driver's license under this chapter expires, the
3 23 owner of a motor vehicle issued restricted driver registration
3 24 plates under this subsection may apply to the county treasurer
3 25 for regular or special registration plates for the vehicle,
3 26 under the terms and conditions in section 321.34 and subject
3 27 to applicable fees. When satisfied that the period of license
3 28 revocation under this chapter is expired, and upon payment of
3 29 any required fees, the county treasurer shall issue regular or
3 30 special registration plates for the vehicle in exchange for
3 31 the restricted driver registration plates.
3 32 e. A person holding a temporary restricted license issued
3 33 by the department under this section following a second or
3 34 subsequent revocation under this chapter shall not operate a
3 35 motor vehicle other than a motor vehicle displaying restricted
4 1 driver registration plates issued pursuant to section 321.34A
4 2 and this section.

4 3 EXPLANATION

4 4 This bill requires the department of transportation to
4 5 design and issue restricted driver motor vehicle registration
4 6 plates, which shall be of a different color than regular
4 7 registration plates and bear a unique set of alphanumeric
4 8 characters so as to be readily identifiable by peace officers.
4 9 Any motor vehicle owner may apply to the county treasurer for
4 10 restricted driver registration plates to be issued in exchange
4 11 for the regular or special registration plates currently
4 12 issued for the vehicle. The restricted driver registration
4 13 plates are to be substituted at no additional charge, but are
4 14 subject to the regular annual registration fee for the
4 15 vehicle. Application for or acceptance of restricted driver
4 16 registration plates constitutes implied consent for a peace
4 17 officer to stop the vehicle displaying the plates at any time,
4 18 and a peace officer may stop such a vehicle to determine
4 19 whether the driver is operating under a valid driver's
4 20 license.

4 21 The bill prohibits a person whose driver's license or
4 22 nonresident operating privilege has been revoked for a second
4 23 or subsequent time for operating while intoxicated (OWI) from
4 24 operating a motor vehicle under a temporary restricted
4 25 driver's license unless the vehicle displays restricted driver
4 26 registration plates. The bill requires that before such a
4 27 person is issued a temporary restricted license, the
4 28 department shall require the surrender of the regular or

4 29 special registration plates for any motor vehicle registered
4 30 to the person, any motor vehicle for which the person is
4 31 listed as an owner or co-owner, and any motor vehicle for
4 32 which the person is listed as the lessee or co-lessee. Upon
4 33 surrender of the regular or special plates, the department
4 34 shall issue restricted driver registration plates for each
4 35 such vehicle. Any motor vehicle newly registered while the
5 1 person is driving under a temporary restricted license for OWI
5 2 must also be issued restricted driver plates in lieu of
5 3 regular registration plates. A vehicle required to have
5 4 restricted driver registration plates cannot be sold without
5 5 the consent of the department. In addition, the bill permits
5 6 transfer of ownership to a vehicle upon cancellation of a
5 7 conditional sales contract, a sale upon execution, or by
5 8 decree or order of a court.

5 9 The bill provides that an OWI offender with a temporary
5 10 restricted license who was required to have restricted driver
5 11 registration plates may exchange the restricted driver plates
5 12 for regular or special registration plates when the period of
5 13 license revocation is expired. The owner of a motor vehicle
5 14 who was not required under OWI provisions to display
5 15 restricted driver registration plates but applied for the
5 16 plates voluntarily may exchange the plates at any time for
5 17 regular or special registration plates.

5 18 The bill prohibits a person from knowingly disguising or
5 19 obscuring the color of restricted driver registration plates
5 20 or from knowingly operating a vehicle whose restricted driver
5 21 registration plates have been obscured or disguised. A
5 22 violation is a simple misdemeanor, punishable by confinement
5 23 for no more than 30 days or a fine of at least \$65 but not
5 24 more than \$625 or by both.

5 25 A person holding a temporary restricted license that was
5 26 issued following a second or subsequent revocation for OWI who
5 27 operates a motor vehicle not displaying restricted driver
5 28 registration plates in violation of the bill's provisions
5 29 would be considered to be driving under a revoked driver's
5 30 license. Such an offense is a serious misdemeanor, punishable
5 31 by confinement for no more than one year and a fine of at
5 32 least \$315 but not more than \$1,875. The person is also
5 33 assessed an additional fine of \$1,000 and the period of
5 34 revocation is doubled.

5 35 LSB 1549YH 83

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